

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE AIMMUNE THERAPEUTICS,
INC. SECURITIES LITIGATION

Case No. 20-cv-06733-MMC

**ORDER GRANTING CO-LEAD
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION; VACATING
HEARING**

Before the Court is the motion, filed March 8, 2024, by Co-Lead Plaintiffs Bruce Svitak and Cecilia Pemberton for an order: (1) certifying this action as a class action, (2) appointing Co-Lead Plaintiffs Bruce Svitak and Cecilia Pemberton as Class Representatives, and (3) appointing Co-Lead Counsel, Monteverde & Associates PC and Khan, Swick & Forti, LLC as Class Counsel. On April 22, 2024, defendants Aimmune Therapeutics Inc. and Jayson D.A. Dallas filed a response stating they do not oppose such request. The Court, having read and considered the moving papers, finds the requirements of Rules 23(a) and 23(b)(3) of the Federal Rules of Civil Procedure are satisfied.

Accordingly, the motion is GRANTED as follows:

1. The above-titled action is hereby certified as a class action on behalf of a class defined as:


All record holders and all beneficial holders of Aimmune Therapeutics, Inc. ("Aimmune" or the "Company") common stock who held such stock at any time during the pendency of the tender offer involving Aimmune and Société des Produits Nestlé S.A. ("Nestle") (from September 14, 2020 through October 9, 2020) and had their shares exchanged for \$34.50 per share in connection with the closing of the merger (on October 13, 2020) (the "Class"). Excluded from the Class are: (i) Nestle and its affiliates; (ii)

the officers and directors of the Company and members of their immediate families; (iii) any entity in which Defendants have or had a controlling interest; and (iv) the legal representatives, heirs, successors or assigns of each officer and director of the Company.

2. Co-Lead Plaintiffs Bruce Svitak and Cecilia Pemberton are hereby appointed as class representatives, and Monteverde & Associates PC and Kahn, Swick & Foti, LLC are hereby appointed as Class Counsel.
3. Class Counsel shall continue to have all the responsibilities and duties set forth in the Court's order appointing them Co-Lead Counsel for the named plaintiffs (see Doc. No. 47) and shall also be responsible for ensuring all work by counsel is in the best interests of the plaintiffs and proposed class and is based on the qualifications and expertise of the person assigned particular tasks or responsibilities, counsel's knowledge of the law, facts and issues, efficiency, and cost effectiveness.
4. In light of the above, the hearing on the motion, noticed for June 28, 2024, is hereby VACATED.

IT IS SO ORDERED.

Dated: May 24, 2024


MAKINE M. CHESNEY
United States District Judge